

JUN 8 2004 9:00PM

MARTINE&PENILLA, LLP

CENTRAL FAX CENTER

NO. 0792 P. 2

JUN 08 2004

09/098,279

Office Action dated: Nov. 5, 2003

Response dated May 5, 2004 (re-submittal June 8, 2004)

OFFICIAL

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Thomas et al.

) Group Art Unit: 2613

Application No. 09/098,279

) Examiner: Tung Vo

Filed: June 16, 1998

) June 8, 2004

For: METHOD AND SYSTEM FOR REMOTE
MONITORING AND CONTROL OVER A COMPUTER
NETWORK

) Docket No: ATCP97-1A

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being transmitted
via facsimile to: Commissioner for Patents, Washington, DC
20231 on June 8, 2004.

Signed:


Albert S. Penilla

703-872-9306

RESPONSE AND AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Amendment is in response to the Office Action dated November 5, 2003. A petition for a two month extension of time is hereby made, which extends the period for response to May 5, 2004.

A response was originally filed, with all fees on May 5, 2004. The re-submittal of the entire amendment is made to comport with appropriate claim identifiers, as requested in a notice dated May 18, 2004, which set a one month due date extending to June 18, 2004.

The claims begin on page 2.

The remarks begin on page 13.

Attorney Docket No. ATCP97-1A

1

09/898,179

Office Action dated: Nov. 5, 2003

Response dated May 5, 2004 (re-submittal June 8, 2004)

Based on the foregoing, it is submitted that claims 1 and 8 are patentably distinct from Ng and Goldberg. In addition, it is submitted that dependent claims 2, 4, 5, 7, 9, 11-18 are also patentably distinct for at least the same reasons. The additional limitations recited in the independent claims or the dependent claims are not further discussed as the above-discussed limitations are clearly sufficient to distinguish the claimed invention from Ng and/or Goldberg. Thus, it is respectfully requested that the Examiner withdraw the rejection of claims 1, 2, 4, 5, 7-9 and 11-18 under 35 USC §103(a).

Moreover, although fully distinguished on the merits above, it is noted that Goldberg is believed to be effective as prior art under 35 USC §102(e) as of February 26, 1999, which is subsequent to the filing date of the present application.


SUMMARY

It is submitted that the Restriction Requirement is not only improper but late. It is also submitted that claims 1, 2, 4, 5, 7-9 and 11-18 (as well as claims 39-44, 47-50 and 52-66) are patentably distinct from the cited references. Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 50-0805 (Order No. ATP97-1A).

Respectfully submitted,
MARTINE & PENILLA, L.L.P.



Albert S. Penilla, Esq.
Reg. No. 39,487

710 Lakeway Drive, Suite 170
Sunnyvale, California 94085
(408) 749-6900
Customer Number 25920

Attorney Docket No. ATP97-1A

16